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10/026,394	12/21/2001	Edward Michael Silver	36968-263531	1038
23552	7590	12/29/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			SINGH, RAMNANDAN P	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,394

Applicant(s)

SILVER ET AL.

Examiner

Ramnandan Singh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments on Sept. 2004 have been considered but are moot in view of the new ground(s) of rejection.

2. Status of Claims

Claims 1 and 26 are amended.

Claims 1-38 are pending.

Change of Scope

3. With the amendments to the claims, a new search for prior art has been necessitated. Also new grounds of rejections are made.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 13, 18, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Howe et al [US 5,471,519].

Regarding claim 1, Howe et al teach a system for communications monitoring and controlling a call forwarded (i.e. **routed**) to a network-based voice mail system (VMS) [col. 3, lines 16-23; col. 3, line 46 to col. 5, line 63; col. 9, lines 26-28; Abstract], as shown in Fig. 1, comprising:

a central office switch (CO) (i.e. **switching point 14**) connected to the VMS (i.e. **service node 16**) and customer premises equipment associated with a called party (**18A**), the CO (14) operative to receive a call to a called party number, forward (i.e. **route**) the call to the VMS (16), receive a call monitoring provisioned signal from the VMS (16), wherein the call monitoring provisioned signal indicates that call monitoring is allowed, and in response to the call monitoring provisioned signal, to send an activate call to monitoring alert to the CPE associated with the called party (18A); and the VMS operative to send the call monitoring provisioned signal to the CO [Figs. 1-3E; col. 7, line 10 to col. 11, line 39; col. 12, lines 8-49; col. 13, lines 51-65; col. 22, lines 17-53].

Regarding claim 2, Howe et al further teach the system, wherein the VMS is further operative to: determine if a calling party exits the called party's voice mailbox; and if the calling party exits the called party's voice mailbox, then to send a deny (i.e. **discontinue**) call monitoring signal to the CO (14) [Figs. 3C-3D; col. 16, line 58 to col. 17, line 6; col. 22, lines 48-53].

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Claims 13 and 18 are essentially similar to claim 1 and rejected for the reasons stated above.

Claim 30 is essentially similar to Claim 1 except for a speaker assembly which is not shown [col. 1, lines 32-45; col. 2, lines 42-49]. It may further be noted that the speaker assembly for monitoring a call is an inherent feature of a telephone answering system. For example, Manicone [US 5,748,718] shows a telephone monitoring system having a speaker which is connected to audibly monitor a call on a telephone line [col. 4, lines 47-65].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al [US 5,471,519] in view of Woo et al [US 4,811,381] and further in view of Muller [US 6,295,341 B1].

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Regarding claim 26, Howe et al teach a method for communications monitoring and controlling a call forwarded (i.e. **routed**) to a network-based voice mail system (VMS) [col. 3, lines 16-23; col. 3, line 46 to col. 5, line 63; col. 9, lines 26-28; Abstract], as shown in Fig. 1, comprising:

a central office switch (CO) (i.e. **switching point 14**) connected to the VMS (i.e. **service node 16**) and customer premises equipment associated with a called party (**18A**), the CO (14) operative to receive a call to a called party number, forward (i.e. **route**) the call to the VMS (16), receive a call monitoring provisioned signal from the VMS (16), wherein the call monitoring provisioned signal indicates that call monitoring is allowed, and in response to the call monitoring provisioned signal, to send an activate call to monitoring alert to the CPE associated with the called party (18A); and the VMS operative to send the call monitoring provisioned signal to the CO [Figs. 1-3E; col. 7, line 10 to col. 11, line 39; col. 12, lines 8-49; col. 13, lines 51-65; col. 22, lines 17-53].

Howe et al do not teach the method, wherein the call monitoring provisioned signal is a start of greeting signal sent by the VMS when the VMS plays a called party's voice mail greeting. However, playing a personal greeting in a voice mail system is well-known in the art.

Woo et al teach a method for monitoring a call forwarded to a network based voice mail system (VMS) shown in Fig. 1, comprising:

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receiving a call forwarded to the VMS 32 with a called party number from a central Office switch 22 [col. 2, lines 40-47; col. 3, lines 45-59; col. 4, lines 20-32; Abstract];

sending a start of greeting signal from the VMS 32 [Figs. 1, 7; col. 2, lines 48-53; col. 3, lines 52-59];

playing a voice message greeting associated with the called a party number [Fig. 1, element 32; col. 10, lines 40-47; Abstract]; and

sending an end of greeting signal [col. 4, lines 53-63].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the personal greeting messages of Woo et al with the Howe monitoring system in order to identify the called party [Woo et al; col. 2, lines 48-54; Abstract].

Further, the combination of Howe et al and Woo et al does teach a voice mail box.

Muller teaches a VMS 6 with a mailbox 12 shown in Fig. 1[col. 3, lines 24-37; col. 2, lines 11-45].

Howe et al, Woo et al and Muller are analogous art because they are from a similar problem solving area, viz. , a network-based voice mail system (VMS).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a mail box associated with a particular subscriber with the combined system of Howe et al and Woo et al in order to record an incoming call and conferences [Muller; col. 2, lines 11-24].

Regarding Claim 27, Muller teaches using a voice mail code to access a mail box 12 [col. 2, lines 25-45; col. 3, line 40 to col. 4, line 3; col. 4, lines 50-59].

Regarding Claim 28, Muller uses a number of keys to enter a PIN code to access a mail box 12 [Fig. 2; col. 1, line 66 to col. 2, line 9; col. 7, lines 54-60]. This inherently transmits the code using a DTMF signal.

Regarding Claim 29, Muller teaches that the remote answering device 2 send a few bits of data to the network-based voice-mail system 6 via local service provider 4, as shown in Fig. 1, before disconnecting the line [col. 7, lines 34-37].

9. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to claim 1 above, and further in view of Woo et al [US 4,811,381].

Regarding claim 3, Howe et al do not teach the system, wherein the call monitoring provisioned signal is a start of greeting signal sent by the VMS when the

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VMS plays a called party's voice mail greeting. However, playing a personal greeting in a voice mail system is well-known in the art.

Woo et al teach sending a network based voice mail system (VMS 32), as shown in Fig. 1; wherein sending a start of greeting signal from the VMS 32;

playing a voice message greeting associated with the called a party number ; and sending an end of greeting signal [Figs. 1, 7; col. 4, lines 53-63].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the personal greeting messages of Woo et al with the Howe monitoring system in order to identify the called party [Woo et al; col. 2, lines 48-54; Abstract].

Claims 4-5 are essentially similar to claim 3 and are rejected for the reasons stated above.

10. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to Claim 1 above, and further, in view of Rogers et al [US 5,946,386].

Regarding Claim 6, Howe et al do not teach the system wherein the CPE is operative to generate an alert to a called party in response to receiving the call

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monitoring alert signal from the central office switch.

Rogers et al teach generating a distinctive ringing sound to alert a user [col. 3, lines 53-65].

Howe et al and Rogers et al are analogous art because they are from a similar problem solving area, viz. , telephone call monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the distinctive sound generation of Rogers et al to the Howe's call monitoring system to alert a particular user [Rogers et al; col. 3, lines 61-63].

Regarding claim 7, the limitation is shown above.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Howe and Rogers et al et al as applied to Claim 6 above, and further, in view of Manicome [US 5,748,718].

Regarding Claim 8, the combination of How et al and Rogers et al does not teach alerting a user using a visual indicator.

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Manicone teaches applying a speaker and **display** (i.e. visual) monitor which is connected to audibly and visually monitor signals on the telephone line in the premises when the manually actuatable switch is actuated [col. 4, lines 47-65; col. 2, line 59 to col. 3, line 18].

Howe et al, Rogers et al and Manicone are analogous art because they are from a similar problem solving area, viz. , telephone monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the visual indicator of Manicone to the Howe's call monitoring system to provide detection and visual indication of incoming telephone calls [Manicone; col. 1, lines 14-21].

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to Claim 1 above, and further, in view of Manicone [US 5,748,718].

Regarding Claim 9, Howe et al do not teach the system, wherein the CPE is operative to go off-hook and to activate a speaker assembly in response to receiving the activate call monitoring data message.

Manicone teaches activating a speaker assembly in response to receiving the activate call monitoring data message [col. 2, line 59 to col. 3, line 18].

Howe et al and Manicone are analogous art because they are from a similar problem solving area, viz. , telephone monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the speaker assembly of Manicone to the Howe's call monitoring system to enable the user to monitor a message being left by the caller [Manicone; col. 3, lines 10-12].

13. Claims 10-12, 14-15, 22-23, 25, 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Howe et al Manicone as applied to claims 9, 13, 18, 30 above, and further in view of Gardell et al [US 6,011,896].

Regarding claim 10, the combination of Howe et al and Manicone does not teach an intercept tone.

Gardell et al teach a voice mail intercept service terminal (VMIST) 340 for receiving an intercept tone from the customer's telephone 310; and causing the called party to be connected to a calling party [col. 7, lines 9-33].

Howe et al, Manicone and Gardell et al are analogous art because they are from a similar problem solving area, viz. , telephone call monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the method of sending an intercept tone of Gardell et al with the combination of Howe et al and Manicone in order to apply this to the CO for the voice mail service to create a three-party call [Gardell et al; col. 7, lines 24-28].

Regarding Claim 11, Gardell et al teaches generating DTMF signal by pressing keys used for generating intercept signals and other commands [col. 5, lines 57-63].

Claim 35 is essentially similar to Claim 11 and is rejected for the reasons stated above apropos of Claim 11.

Regarding Claims 12, 22-23, 25, 34, 36-37, see Figs. 6A and 6B [Gardell et al].

Regarding Claim 14, Gardell et al teaches prompting the subscriber at the telephone device 210 to enter a password, and authenticate the password [col. 5, line 50 to col. 6, line 22].

Claim 38 is essentially similar to Claim 14 and is rejected for the reasons stated above apropos of Claim 14.

Regarding Claim 15, the voice mail code (i.e. password) is transmitted , e.g. , as DTMF signals [col. 5, lines 57-63].

14. Claims 14-17, 21, 24, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to claims 13, 18, 30 above, and further in view of Rogers et al [US 5,946,386].

Regarding claim 14, Howe et al do not teach expressly detecting a voice mail code.

Rogers et al teaches identifying a called a party 111 or 113 through the digits entered (i.e. code), through voice recognition or otherwise [col. 11, lines 21-43].

Howe et al and Rogers et al are analogous art because they are from a similar problem solving area, viz. , telephone call monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the method of detecting the voice mail code of Rogers et al with Howe et al to identify the called party [Rogers et al; col. 11, lines 33-39].

Regarding claim 15, Rogers et al teach a DTMF sequence to identify an incoming call [col. 11, lines 47-50].

Regarding Claim 16, when a user receives a **new** voice-mail message, the Call Management System is notified [Rogers et al; col. 28, lines 55-67].

Regarding Claim 17, a call management computer intercepts a telephone call wherein the incoming call type signal having specified DTMF is also determined [Rogers et al; col. 6, lines 55-59; col. 11, lines 44-50].

Claim 24 is essentially similar to Claim 17 and is rejected for the reasons stated above apropos of Claim 17.

Regarding Claims 31-32, Rogers et al generating a distinctive ringing sound to alert a user [Rogers et al; col. 3, lines 53-65].

Claim 21 is essentially similar to Claim 32 and is rejected for the reasons stated above.

15. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to Claim 30 above, and further, in view of Manicome [US 5,748,718].

Regarding Claim 33, Howe et al does not teach alerting a user using a visual indicator.

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Manicone teaches applying a speaker and **display** (i.e. visual) monitor which is connected to audibly and visually monitor signals on the telephone line in the premises when the manually actuatable switch is actuated [col. 4, lines 47-65; col. 2, line 59 to col. 3, line 18].

Woo et al and Manicone are analogous art because they are from a similar problem solving area, viz. , telephone monitoring system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the visual indicator of Manicone to the Howe's call monitoring system to provide detection and visual indication of incoming telephone calls [Manicone; col. 1, lines 14-21].

16. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howe et al as applied to Claim 18 above, and further,

Regarding Claims 19-20, Howe et al do not teach the method , wherein the call monitoring provisioned signal is a start of greeting signal sent by the VMS when the VMS plays a called party's voice mail greeting. However, playing a personal greeting in a voice mail system is well-known in the art.

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Woo et al teach a method for monitoring a call forwarded to a network based voice mail system (VMS) shown in Fig. 1, comprising:

receiving a call forwarded to the VMS 32 with a called party number from a central Office switch 22 [col. 2, lines 40-47; col. 3, lines 45-59; col. 4, lines 20-32;

Abstract];

sending a start of greeting signal from the VMS 32 [Figs. 1, 7; col. 2, lines 48-53; col. 3, lines 52-59];

playing a voice message greeting associated with the called a party number [Fig. 1, element 32; col. 10, lines 40-47; Abstract]; and

sending an end of greeting signal [col. 4, lines 53-63].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the personal greeting messages of Woo et al with the Howe monitoring system in order to identify the called party [Woo et al; col. 2, lines 48-54; Abstract].

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Kampmeier et al [US 6,754,311 B1] teach an enhanced subscriber line call monitoring system [Figs. 1-2; col. 4, line 37 to col. 5, line 20]; and

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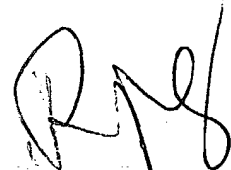
(ii) Fuller et al [US 6,411,682 B1] teach a method for call monitoring [Figs. 1-6; Abstract].

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (703)308-6270. The examiner can normally be reached on M-F(8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester Isen can be reached on (703)-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh
Examiner
Art Unit 2644



XU MEI
PRIMARY EXAMINER